

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

James Brandon Pilgrim, #005221,)	C.A. No. 8:05-0691-CMC-BHH
)	
Plaintiff,)	
)	
v.)	ORDER
John Loy; Kerri H. Huff;)	
Marva A. Hardee Thomas; and)	
Maite Murphy,)	
)	
Defendants.)	
_____)	

Plaintiff in this matter is a *pro se* inmate currently held in the South Carolina Department of Corrections. Plaintiff has filed an action pursuant to 42 U.S.C. § 1983 seeking monetary relief for an alleged violation of his civil rights.

In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b), (d), and (e), DSC, this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pre-trial proceedings and a Report and Recommendation. On March 30, 2005, the Magistrate Judge issued a Report recommending that this case be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. In response to the Report and Recommendation, Plaintiff has filed a Letter indicating that he does not understand what the Report and Recommendation means. Plaintiff has filed no specific objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the

court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's complaint fails to state a viable claim under 42 U.S.C. § 1983.

IT IS THEREFORE ORDERED that this matter is dismissed without prejudice and without issuance and service of process.¹

IT IS SO ORDERED.

s/ Cameron McGowan Currie
 CAMERON MCGOWAN CURRIE
 UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
 April 28, 2005

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¹On April 8, 2005, Plaintiff filed a motion titled "Motion to Change the 8th Amendment of Crule [sic] an unuseal [sic] Punishment of Unlawful Punishment." Because this order disposes of this case, this motion is **moot**.

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